IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.811 OF 2000

Shri Ramesh Janardhan Surwadkar. .. Petitioner

Vs.

Sau.Asha Ramesh Surwadkar & Anr. .. Respondents

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None present for the Petitioner.

Shri A.R.Shaikh for the Respondent No.1.

Shri S.R.Shinde, APP for Respondent No.3.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 24th JANUARY, 2005.

P.C.

1. None present for the Petitioner. Shri Shaikh, the learned Advocate present for the Respondent No.1 and Shri Shinde, the learned APP for the Respondent No.3.

2. The Petitioner challenges the order dated 29th February, 2000 passed by the Additional Sessions Judge, Malegaon, in Criminal Revision Applications Nos.102 of 1999 and 107 of 1999. By the impugned order, the revisional Court has allowed the revision application No.102 of 1999 filed by the respondent-wife, while dismissing the revision application No.107 of 1999 filed by the

petition-husband. By the impugned order, the order passed by the trial Court in relation to the maintenance allowance has been modified and the petitioner has been directed to pay maintenance allowance to the respondent-wife and the daughter at the rate of Rs.500/- per month each. The justification for grant of maintenance at the rate which has been ordered by the impugned order is based upon the findings arrived at on the analysis of the materials on record and the said findings are clearly borne out from the records and do not disclose either being perverse or contrary to the materials on record. Being so, there is absolutely no case for interference in the impugned order in exercise of writ jurisdiction under Article 227 of the Constitution of India. Undoubtedly, in case, the Petitioner is aggrieved about the quantum of the amount and if there is any change in the circumstances justifying such claim, nothing prevents the Petitioner from approaching the trial Court in that regard and if the Petitioner files such an application disclosing the change in the circumstances with cogent evidence in support thereof, certainly the trial Court is not forbidden from changing the quantum of the amount albeit after hearing the Respondent. With these observations, the Petition is rejected.